



# COMMONWEALTH of VIRGINIA

Office of the Attorney General  
Richmond 23219

Jason S. Miyares  
Attorney General

202 N. Ninth Street  
Richmond, Virginia 23219  
804 - 786 - 2071  
804 - 225 - 4541 TDD

## MEMORANDUM

**To:** Kyle Flanders  
Senior Policy Analyst  
Department of Housing and Community Development

**From:** Justin I. Bell  
Assistant Attorney General

**Date:** January 19, 2023

**Subject:** Letter of Assurance for Update the Industrialized Building Safety Regulations 13 VAC 5-91

---

I have reviewed the Virginia Board of Housing and Community Development's (the Board) proposed regulatory action to update the Industrialized Building Safety Regulations at 13 VAC 5-91. The Board has the legal authority to update the Uniform Statewide Building Code as by § 36-73 of the *Code of Virginia*. Section 36-73 of the *Code of Virginia* requires that the Board shall have due regard for the generally accepted standards for building standards and this update will bring the Industrialized Building Safety Regulations up to the standard mentioned in § 36-72. In my view, as counsel to the Board, the Board may take this regulatory action.

Further, this update to the Industrialized Building Safety Regulations is exempt from the requirements of Article 2 of Chapter 40 of Title 2.2 of the *Code of Virginia* pursuant to § 2.2-4006(A)(12) of the *Code of Virginia*. The regulatory action does not appear to conflict with the Constitution of the United States or the

Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of this regulatory action.